

1 Anna Y. Park, SBN 164242
2 Sue J. Noh, SBN 192134
3 Rumdoul Vuong, SBN 264392
4 Lorena Garcia-Bautista, SBN 234091
5 U.S. EQUAL EMPLOYMENT
6 OPPORTUNITY COMMISSION
7 255 East Temple Street, Fourth Floor
8 Los Angeles, CA 90012
9 Telephone: (213) 894-1083
10 Facsimile: (213) 894-1301
11 E-Mail: anna.park@eeoc.gov

12 Attorneys for Plaintiff
13 U.S. EQUAL EMPLOYMENT
14 OPPORTUNITY COMMISSION

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 U.S. EQUAL EMPLOYMENT
18 OPPORTUNITY COMMISSION,

19 Plaintiff,

20 vs.

21 MUELLER INDUSTRIES, INC. and
22 Does 1-10, Inclusive,

23 Defendants.

Case No.:

COMPLAINT

- **CIVIL RIGHTS**
- **EMPLOYMENT DISCRIMINATION**

(42 U.S.C. §§ 2000e, et seq.)

JURY TRIAL DEMAND

24 **NATURE OF THE ACTION**

25 This is an action under the Americans with Disabilities Act of 1990
26 (“ADA”), as amended by the ADA Amendment Act (“ADAAA”) of 2008, to
27 correct unlawful employment practices on the basis of disability and to provide
28 appropriate relief to a class of similarly aggrieved disabled employees who were

1 adversely affected by such practices. Plaintiff United States Equal Employment
2 Opportunity Commission (“Plaintiff” or “Commission”) alleges that Mueller
3 Industries, Inc. (“Defendant”) unlawfully discriminated against a class of similarly
4 aggrieved disabled employees in violation of the ADA.

5 **JURISDICTION AND VENUE**

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
7 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to
8 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and Section 107(a)
9 of the ADA, 42 U.S.C. §12117(a) (incorporating the powers, remedies, and
10 procedures set forth in Sections 706 of Title VII of the Civil Rights Act of 1964
11 (“Title VII”), 42 U.S.C. §§ 2000e-5, into ADA enforcement actions).

12 2. The employment practices alleged to be unlawful were committed
13 within the jurisdiction of the United States District Court for the Central District of
14 California.

15 **PARTIES**

16 3. The Commission is an agency of the United States of America,
17 charged with the administration, interpretation and enforcement of the ADA, and is
18 expressly authorized to bring this action by Section 107(a) of the ADA.

19 4. At all relevant times, Defendant has continuously been a corporation
20 doing business in Los Angeles County, State of California.

21 5. At all relevant times, Defendant has continuously been a corporation
22 doing business in the State of California and has continuously employed at least
23 15 employees.

24 6. Plaintiff is ignorant of the true names and capacities of each
25 Defendant sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues
26 said defendant(s) by fictitious names. Plaintiff reserves the right to amend the
27 complaint to name each DOE defendant individually or collectively as they
28 become known. Plaintiff alleges that each DOE defendant was in some manner

1 responsible for the acts and omissions alleged herein and Plaintiff will amend the
2 complaint to allege such responsibility when the same shall have been ascertained
3 by Plaintiff.

4 **STATEMENT OF CLAIMS**

5 7. All conditions precedent have been fulfilled by more than thirty (30)
6 days prior to the institution of this lawsuit.

7 8. The Commission issued Defendant a Letter of Determination finding
8 reasonable cause to believe that Defendant had violated the ADA and invited
9 Defendant to join with the Commission in informal methods of conciliation to
10 provide appropriate relief.

11 9. The Commission was unable to secure from Defendant a conciliation
12 agreement acceptable to the Commission.

13 10. Defendant has engaged in unlawful employment practices in violation
14 of Section 102 (a) and (b) of ADA, 42 U.S.C. § 12112 (a) and (b), by failing to
15 engage in the interactive process and provide reasonable accommodations by:

- 16 a. discharging a class of similarly aggrieved disabled employees due to
17 the employees' use of leave as a reasonable accommodation; and/or
18 b. discharging a class of similarly aggrieved disabled employees for
19 exceeding Defendant's maximum leave policies.

20 11. The effect of the practices complained of in paragraph 10 above has
21 been to deprive the class of similarly aggrieved disabled employees of equal
22 employment opportunities and for having engaged in protected activity.

23 12. The employment practices complained of in paragraph 10 above were
24 intentional and caused the class of similarly aggrieved disabled employees to suffer
25 emotional distress.

26 **PRAYER FOR RELIEF**

27 The Commission respectfully requests that this Court:
28

1 A. Grant a permanent injunction enjoining Defendant from engaging in
2 any employment practice in violation of the ADA.

3 B. Order Defendant to institute and carry out policies, practices, and
4 programs to prevent unlawful employment practices.

5 C. Order Defendant to make whole the class of similarly aggrieved
6 disabled employees by providing appropriate back pay with prejudgment interest.

7 D. Order Defendant to make the class of similarly aggrieved disabled
8 employees whole by providing compensation for past and future pecuniary losses,
9 and for emotional pain, suffering, and mental anguish.

10 **JURY TRIAL DEMAND**

11 The Commission requests a jury trial on all questions of fact raised by its
12 Complaint.

13
14 Dated: June 21, 2018

Respectfully Submitted

15
16 JAMES L. LEE,
17 Acting General Counsel

18 GWENDOLYN YOUNG REAMS,
19 Associate General Counsel

20 U.S. EQUAL EMPLOYMENT
21 OPPORTUNITY COMMISSION
22 131 "M" Street, N.E.
23 Washington, D.C. 20507

24
25 By: 

26 ANNA Y. PARK,
27 Regional Attorney
28